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HOUSE BILL 817

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Dona G. Irwin

AN ACT

RELATING TO LAW ENFORCEMENT; ESTABLISHING THE NEW MEXICO RANGERS; PROVIDING FOR DUTIES, REQUIREMENTS AND COMMISSION; PROVIDING FOR PER DIEM AND WORKERS' COMPENSATION; PROVIDING FOR THE PURCHASE OF SURPLUS PROPERTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 29 NMSA 1978 is enacted to read:

"[NEW MATERIAL] NEW MEXICO RANGERS ESTABLISHED-- COMPOSITION.--The "New Mexico rangers" are created. The New Mexico rangers shall consist of units in regions throughout the state and be organized, officered and staffed pursuant to and under the direction of the governor."

Section 2. A new section of Chapter 29 NMSA 1978 is enacted to read:

1 "[NEW MATERIAL] BOARD OF DIRECTORS--COMMISSIONS.--

2 A. The governing body of the New Mexico rangers  
3 shall be the board of directors. The board of directors shall  
4 consist of not less than one member of the New Mexico rangers  
5 from each designated area within the state, one member  
6 appointed by the secretary of public safety and two members at  
7 large from throughout the state. Each board member shall serve  
8 for two years and may be re-elected. Elections shall be open  
9 to members of the New Mexico rangers, and elections shall occur  
10 every two years in a place and at a time designated by the  
11 board of directors. The board of directors shall control,  
12 manage and supervise the internal organization of the New  
13 Mexico rangers. The board of directors shall appoint a chief  
14 of the New Mexico rangers.

15 B. The secretary of public safety shall, at the  
16 expense of the member of the New Mexico rangers, execute a  
17 proper pocket commission as a voluntary agent of the department  
18 to a member of the New Mexico rangers when requested by the  
19 chief of the rangers. Each commission shall expire and be  
20 reissued upon each change of the secretary of public safety."

21 Section 3. A new section of Chapter 29 NMSA 1978 is  
22 enacted to read:

23 "[NEW MATERIAL] DUTIES OF BOARD.--The board of directors  
24 shall create bylaws for the government, control, management,  
25 supervision and internal organization of the New Mexico rangers

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1 and provide for the selection of rangers and for such officers  
2 as may be necessary from time to time to command the various  
3 units or troops."

4 Section 4. A new section of Chapter 29 NMSA 1978 is  
5 enacted to read:

6 "[NEW MATERIAL] DUTIES OF THE NEW MEXICO RANGERS.--The New  
7 Mexico rangers shall assist in the enforcement of the law by  
8 cooperating with all law enforcement agencies and regulatory  
9 bodies of the state when requested by the agency or regulatory  
10 body and serve under the direction and control of the agency or  
11 regulatory body."

12 Section 5. A new section of Chapter 29 NMSA 1978 is  
13 enacted to read:

14 "[NEW MATERIAL] TRAINING--ENTRANCE REQUIREMENTS.--

15 A. A member of the New Mexico rangers shall have  
16 worked as a law enforcement officer for any municipality,  
17 county or state or for a federal law enforcement agency and  
18 shall live within the state. The board of directors or a  
19 designated committee shall examine, verify and evaluate the  
20 suitability of the background of each applicant. The chief of  
21 the New Mexico rangers shall maintain a background file on each  
22 member of the New Mexico rangers.

23 B. The chief of the New Mexico rangers or the  
24 chief's designee shall conduct a criminal history background  
25 check on each applicant. Fingerprints shall be maintained with

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1 the background check of each member for the purposes of a  
2 criminal history screening. The chief of the New Mexico  
3 rangers shall coordinate any conflict of criminal background  
4 issues with the secretary of public safety or the secretary's  
5 designee.

6 C. The New Mexico rangers shall qualify with  
7 carried firearms in accordance with qualification standards  
8 required by the New Mexico law enforcement academy standards.  
9 A member of the New Mexico rangers shall take a minimum of  
10 forty hours of law enforcement training per year. Of those  
11 forty hours, a minimum of eight hours shall be training on  
12 current law related to law enforcement. Training records of  
13 each member of the New Mexico rangers shall be maintained and  
14 presented to the New Mexico law enforcement academy upon  
15 demand."

16 Section 6. A new section of Chapter 29 NMSA 1978 is  
17 enacted to read:

18 "[NEW MATERIAL] APPLICATIONS--CRIMINAL HISTORY SCREENING--  
19 DENIAL OF COMMISSION.--

20 A. Applications to the New Mexico rangers shall be  
21 directed, per the board of directors, for a commission or an  
22 honorary commission.

23 B. A commission may be denied upon recommendation  
24 of the chief of the New Mexico rangers to the board of  
25 directors or the secretary of public safety or the secretary's

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1 designee. A person who is denied a commission may appeal to  
2 the board of directors, who shall make a recommendation to the  
3 secretary of public safety."

4 Section 7. A new section of Chapter 29 NMSA 1978 is  
5 enacted to read:

6 "[NEW MATERIAL] AID TO LAW ENFORCEMENT AGENCIES--WORKERS  
7 COMPENSATION--SURPLUS PROPERTY.--

8 A. A member of the New Mexico rangers may be  
9 detailed to assist and render aid in specific instances  
10 involving law enforcement or other matters when a request is  
11 made for such assistance and aid by the New Mexico state police  
12 or other state or local law enforcement agency, including  
13 natural disasters and terrorist threats and actions. When  
14 acting upon such a call, a member shall be deemed to be the  
15 agent or deputy of the authority issuing the request, shall  
16 have the same powers and duties as the requesting authority and  
17 shall be covered by the Workers' Compensation Act, if the  
18 employer's insurance policy is endorsed to show that its  
19 coverage extends to the claimant.

20 B. For the purposes of calculating the amount of  
21 disability or death benefits pursuant to the Workers'  
22 Compensation Act of a member of the New Mexico rangers, the  
23 member's average weekly wages shall be deemed to be the average  
24 weekly wages the member was receiving from every employer,  
25 regardless of whether the member's employment with the employer

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1 was covered by the Workers' Compensation Act. The degree of  
2 disability, if any, shall be determined on the basis of the  
3 member's disability in regard to such other employment.

4 C. If a member of the New Mexico rangers is covered  
5 by workers' compensation coverage pursuant to Subsection A of  
6 this section, the Workers' Compensation Act shall be the  
7 member's exclusive remedy against the New Mexico rangers and  
8 the supervising law enforcement agency for any injury or death  
9 proximately caused by the accident arising out of and in the  
10 course of the member's duties.

11 D. A member of the New Mexico rangers shall be  
12 allowed to purchase from any state agency any surplus property  
13 for an amount equal to the lowest bid at the most recent  
14 auction."

15 Section 8. A new section of Chapter 29 NMSA 1978 is  
16 enacted to read:

17 "[NEW MATERIAL] SERVICE UPON CALL--COMPENSATION.--The  
18 governor or the secretary of public safety may, in case of  
19 insurrection, invasion, riot, breach of peace, terrorist act or  
20 threat of such act, in compliance with the Homeland Security  
21 and Emergency Management Department Act, or imminent danger, to  
22 call into service the New Mexico rangers, a unit or a member of  
23 the New Mexico rangers. Service under that call shall be under  
24 the direction and control of the governor or the secretary of  
25 public safety. A member of the New Mexico rangers is entitled

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1 to receive per diem and mileage as provided in the Per Diem and  
2 Mileage Act and shall receive no other perquisite, compensation  
3 or allowance upon a call to serve."

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